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**OFFICE OF PETITIONS**

In re Application of:  
HJERTH et al.  
Application No.: 10/708,590  
Filing Date: March 12, 2004  
Attorney's Docket No.: 07589.0160.PCUS00  
For: FLEXIBLE ELEMENT

DECISION ON PETITION FOR  
REVIVAL OF ABANDONED  
APPLICATION UNDER  
37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed March 18, 2005 to revive the above-entitled application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the non-final Office action mailed August 18, 2004, which set a shortened statutory period for reply of three (3) months. A response was not filed and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned at midnight on November 18, 2004.

The present petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response to the Office action mailed August 18, 2004; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Office action of March 18, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Attorney-Advisor, Anthony Smith at (571) 272-3298 or in his absence, the undersigned at (571) 272-3217.

The application is being referred back to Technology Center AU 3683 further processing.

*Frances Hicks Jr*  
Brian Hearn  
Petitions Examiner  
Office Of Petitions